

BUSINESS REPORT

**MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION**

SENATE JUDICIARY COMMITTEE

Date: Tuesday, January 13, 2009
Place: Capitol

Time: 9:00 am
Room: 303

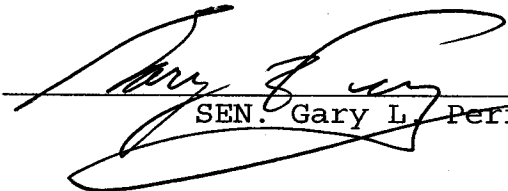
BILLS and RESOLUTIONS HEARD:

SB 157, SB 159, SB 171

EXECUTIVE ACTION TAKEN:

SB 140-Do Pass SB 35-Do Pass As Amended

COMMENTS:


SEN. Gary L. Perry, Chairman

MONTANA STATE SENATE
Roll Call
JUDICIARY COMMITTEE

DATE: 1/13/08

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SENATOR GARY PERRY, CHAIRMAN	✓	
SENATOR JIM SHOCKLEY, VICE CHAIRMAN	✓	
SENATOR AUBYN CURTISS	✓	
SENATOR JOHN ESP	✓	
SENATOR GREG HINKLE	✓	
SENATOR LARRY JENT	✓	
SENATOR CAROL JUNEAU	✓	
SENATOR CLIFF LARSEN	✓	
SENATOR JESSE LASLOVICH	✓	
SENATOR DANIEL MCGEE	✓	
SENATOR LYNDA MOSS	✓	
SENATOR TERRY MURPHY	✓	



SENATE STANDING COMMITTEE REPORT

January 13, 2009

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 140** (first reading copy -- white) do pass.

Signed: _____

Senator Gary L. Perry, Chair

- END -

Committee Vote:

Yes 9, No 3

Fiscal Note Required ☐

SB0140001SC.smo

176



SENATE STANDING COMMITTEE REPORT

January 13, 2009

Page 1 of 2

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 35** (first reading copy -- white) do pass as amended.

Signed: _____

Senator Gary L. Perry, Chair

And, that such amendments read:

1. Title, line 5 through line 6.

Following: "THAT" on line 5

Strike: remainder of line 5 through "STATE PRISON" on line 6

Insert: "A SHERIFF DELIVERING A DEFENDANT TO A PLACE OF CONFINEMENT, COMMITMENT, OR EXECUTION SHALL ALSO DELIVER ALL INFORMATION IN THE SHERIFF'S POSSESSION"

2. Title, line 7 through line 8.

Following: "OF THE" on line 7

Strike: remainder of line 7 through "PRISON" on line 8

Insert: "DEFENDANT, INCLUDING HEALTH INFORMATION CONTAINED IN A PRESENTENCE INVESTIGATION REPORT"

3. Title, line 8.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "46-18-112"

Insert: "AND 46-19-101"

4. Page 1, line 13 through line 14.

Following: "report" on line 13

Strike: remainder of line 13 through "prison" on line 14

5. Page 1, line 30 through page 2, line 2.

Strike: subsection (4) in its entirety

Insert: "(4) Upon sentencing, the court shall forward to the

Committee Vote:

Yes 12, No 0

Fiscal Note Required ____

SB0035001SC.smo

mno

sheriff all information contained in the presentence investigation report concerning the physical and mental health of the defendant, and the information must be delivered with the defendant as required in 46-19-101."

6. Page 2, line 3.

Following: line 2

Insert: "Section 2. Section 46-19-101, MCA, is amended to read:

"46-19-101. Commitment of defendant -- transfer of information in possession of sheriff. (1) Upon oral pronouncement of a sentence imposing punishment of imprisonment, commitment to the department of corrections, placement in a prerelease center, community corrections facility, or other place of confinement, or death, the court shall commit the defendant to the custody of the sheriff, who shall deliver the defendant to the place of confinement, commitment, or execution and give that place an order, which must be signed by the sentencing judge on the date of oral pronouncement of sentence, stating that the defendant is sentenced to that place for imprisonment, commitment, placement, or execution, as the case may be. The order is authority for that place to hold the defendant pending receipt by that place of a copy of the written judgment.

(2) When a sheriff delivers the defendant to the place of confinement, commitment, or execution, the sheriff shall deliver at the same time all information in the possession of the sheriff regarding the physical and mental health of the defendant, including health information contained in a presentence investigation report."

- END -

MONTANA STATE SENATE
Roll Call Vote
JUDICIARY COMMITTEE

DATE 1/13/09 BILL NO SB 40 MOTION NO. 2
 MOTION: _____

S B 40 Do Pass

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DANIEL MCGEE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JESSE LASLOVICH	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR AUBYN CURTISS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR LARRY JENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR TERRY MURPHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR LYNDA MOSS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JOHN ESP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR CLIFF LARSEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR CAROL JUNEAU	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR GREG HINKLE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR JIM SHOCKLEY, VICE CHAIR	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR GARY PERRY, CHAIRMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

9/3

SENATE COMMITTEE PROXY

I request to be excused from February Committee because of other commitments. I desire to leave my proxy vote with:

Sen. Maso

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
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BILL/AMENDMENT	AYE	NO
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[illegible][illegible]

Sen.

(Signature)

Date _____

1/5/09

AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from Judiciary Committee
because of other commitments. I desire to leave my proxy vote with:

Sen. Moss

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

BILL/AMENDMENT

AYE NO

1/13/08

SB 140 Do Pass	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SB 35 amend	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SB 35 Do Pass (Amend)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Sen. Luke

(Signature)

Date

1/15/08

MONTANA STATE SENATE

Visitors Register

Judiciary Committee

Date 1-13-09

Bill No. 157 Sponsor(s) Shockley

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register

Judiciary Committee

Date 1-13-09

Bill No. 159 **Sponsor(s)** Shockley

PLEASE PRINT

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Name and Address	Representing	Support	Oppose	Inf.
Kelsen Young	MCADSV			X
Barry A. Jensen	PTMT			X

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register

Judiciary Committee

Date 1-13-09

Bill No. 171 Sponsor(s) Sen. ~~Shelley~~ Barkus

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PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Jim Smith	County Attys Assoc		<input checked="" type="checkbox"/>	+
ROGER L. HALVEY	MT Landlords Asso	✓		
Kelsin Young	MCADSV		X	AN

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.